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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 Ismael Padilla,

7 Plaintiff,

8 v.

9 Second Circuit Court of Appeals,

10 Defendants.
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Case No. 2:23-cv-01511-GMN-BNW

Report and Recommendation

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13 Before the Court is Plaintiff's motion for injunctive relief. ECF No. 23. As this Court has
14 explained to Plaintiff in previous orders, before any other action can be taken in this case,
15 Plaintiff must submit a complete application to proceed *in forma pauperis* (which includes a
16 current six-month history of his trust account) or pay the \$405 filing fee. ECF Nos. 5, 7, 12, 15,
17 22.

18 Despite these orders, Plaintiff has filed a request for an injunction. First the Court notes
19 that his motion is not legible. In any event, even if the motion were legible, this Court has not
20 would be able to grant the request as it cannot determine (at this juncture) whether Plaintiff has a
21 likelihood of success on the merits. *Winter v. Nat. Res. Def. Council, Inc.*, 129 S. Ct. 365, 374
22 (2008) (explaining courts must consider the following factors when determining whether to grant
23 injunctive relief: (1) he is likely to succeed on the merits; (2) he is likely to suffer irreparable
24 harm in the absence of an injunction; (3) the balance of hardships tips in his favor; and (4) an
25 injunction is in the public interest). As explained before, this Court still needs to screen his

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1 complaint and determine whether his allegations state a claim for relief. For all of these reasons,
2 this Court recommends that the motion be denied.

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4 **IT IS RECOMMENDED** that Plaintiff's motion for injunctive relief be denied.

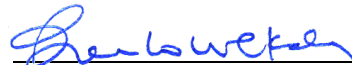
5 **IT IS FURTHER ORDERED** that any objection to this recommendation is due within
6 14 days of being served with this order.

7 **IT IS FURTHER ORDERED** that Plaintiff's deadline to submit a compete *in forma*
8 *pauperis* application is April 22, 2024. ECF No. 20. Should Plaintiff not file the complete
9 application or pay the filing fee, this Court may recommend that this case be dismissed.

10 **NOTICE**

11 This report and recommendation is submitted to the United States district judge
12 assigned to this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and
13 recommendation may file a written objection supported by points and authorities within fourteen
14 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a
15 timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951
16 F.2d 1153, 1157 (9th Cir. 1991).

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18 DATED: April 4, 2024.

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21 Brenda Weksler
22 United States Magistrate Judge
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